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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/828,304	04/21/2004	Satoru Ouchi	119516	4786
25944 7590 10/01/2010 OLIFF & BERRIDGE, PLC P.O. BOX 320850 ALEXANDRIA, VA 22320-4850				
EXAMINER UTAMA, ROBERT J				
ART UNIT 3715		PAPER NUMBER		
NOTIFICATION DATE 10/01/2010		DELIVERY MODE ELECTRONIC		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

OfficeAction25944@oliff.com
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Office Action Summary

Application No.

10/828,304

Applicant(s)

OUCHI, SATORU

Examiner

ROBERT J. UTAMA

Art Unit

3715

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 24 June 2010.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-2, 8-9, 17-22 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-2, 8-9, 17-22 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/22)
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date: _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____
- Paper No(s)/Mail Date: _____

DETAILED ACTION

Status of the application

1. This office action is a response to the amendment and argument filed on 06/24/2010. The current status of the application is as follows: claims 1-2, 8-9, 17-22 are still pending and claims 5-7 and 12-16 have been cancelled.

Continued Examination Under 37 CFR 1.114

2. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 06/24/2010 has been entered.

Claim Rejections - 35 USC § 112

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claims 17-18 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claim 17 is directed toward a product or an apparatus claim, while the parent claim (claim 8) is directed toward a method claim. Claim 17 is rejected under 35 U.S.C. 112 second paragraphs since it is unclear which of the statutory class claim 17 is directed toward. Claim 18 are also rejected under the same rationale.

Claim Rejections - 35 USC § 101

5. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

6. Claims 17-18 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. Claims 17-18 are directed toward a computer readable medium, however, it is unclear from the specification if the computer readable medium exclude transitory medium. The applicant can overcome this rejection by amending the limitation of "computer readable medium" into "non-transitory computer readable medium".

Claim Rejections - 35 USC § 103

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. **Claims 1-2, 8-9 and 17-22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nishimura 6,752,716 et al in view of Braun US 6,300,936 (and in view of the references that are incorporated in part: Rosenberg US 5,959,613 and Rosenberg US 6,147,674) and further in view of Chang US 2001/0045935**

Claims 1, 8 and 17: The Nishimura reference discloses a simulator which imparts vibrations to an operator by driving a vibration mechanism in accordance with a generation of a given simulation state (see Abstract) that comprises of: a simulation calculation section which perform simulation calculation to manipulate a simulator object with an operational input from

an object operation section during the simulation (see col. 8:50-35); a vibration control section which drives the vibration mechanism on condition that a predetermined occurrence simulation state has occurred during the simulation based on the operational input from the object operation section (see col. 9:20-30); a vibration condition setting section which receives a vibration condition setting which specifies the vibration occurrence simulation states, by a separate operation input from an operating section for vibration condition setting (see col. 9:50-56); wherein vibration condition setting section performs condition setting process to receive which includes at least vibration pattern in the vibration occurrence simulation state specified by the vibration condition setting (see col. 9:20-30 and 9:60-65) and wherein the vibration mechanism control section drives the vibration mechanism relation to the set of vibration content, when the vibration occurrence simulation state specified by the vibration condition setting occurs (see col. 12:30-45).

The Nishimura reference fails to provide a teaching of the vibration condition setting set by the operator. However, the Braun reference provides a teaching of a vibration condition setting set by the operator that includes vibration intensity and pattern and where the vibration control setting receives setting (see col. 17:30-50). Therefore, it would have been obvious to include the feature of having a vibration condition setting that includes vibration intensity and pattern and where the vibration control setting receives setting from a user, as taught by Braun, because it would enable the user to customize the effect of the force feedback to his/her preference.

The Nishimura is silent with regards for the wherein a plurality of vibration occurrence simulation occurs simultaneously as conditions that cause a vibration mechanism to vibrate, the vibration mechanism control section controls the vibration mechanism selects a single simulation states based on the degree of priority assigned to each of the plurality of simulations states and controls the vibration mechanism in accordance with the set vibration content of the selected simulation states. However, the Chang reference provides a teaching of

a plurality of vibration occurrence simulation occurs simultaneously as conditions that cause a vibration mechanism to vibrate, the vibration mechanism control section controls the vibration mechanism selects a single simulation states based on the degree of priority assigned to each of the plurality of simulations states and controls the vibration mechanism in accordance with the set vibration content of the selected simulation states (see paragraph 50). Therefore, it would have been obvious to include the feature of a plurality of vibration occurrence simulation occurs simultaneously as conditions that cause a vibration mechanism to vibrate, the vibration mechanism control section controls the vibration mechanism selects a single simulation states based on the degree of priority assigned to each of the plurality of simulations states and controls the vibration mechanism in accordance with the set vibration content of the selected simulation states, as taught by Chang, since it allows the machine to cope with conflicting priorities that may consume more resources then the system possess.

Claims 2, 9 and 18: The Nishimura reference fails to provide a teaching of wherein the vibration condition setting performs condition setting processing to display a vibration condition setting image on a display and receive vibration condition setting by an operation input from the operation section for vibration condition to store in a storage section. However, the Braun reference provides a teaching of wherein the vibration condition setting performs condition setting processing to display a vibration condition setting image on a display and receive vibration condition setting by an operation input from the operation section for vibration condition to store in a storage section (see FIG. 5 and col. 17:30-50 and 20:15-27). Therefore, it would have been obvious to include the feature of the vibration condition setting performs condition setting processing to display a vibration condition setting image on a display and receive vibration condition setting by an operation input from the operation section for vibration condition to store in a storage section, as taught by Braun, because it would enable the user to customize the effect of the force feedback to his/her preference.

Claims 19-20 and 21-22: The Nishimura reference does not provide a teaching of having a vibration condition setting that includes vibration intensity and pattern and where the vibration control setting receives setting from a user. However, the Braun reference provides a teaching of having a vibration condition setting that includes vibration intensity and pattern (see FIG 5 and col. 17:30-50) and where the vibration control setting receives setting from a user (see col. 17:30-50). Therefore, it would have been obvious to include the feature of having a vibration condition setting that includes vibration intensity and pattern and where the vibration control setting receives setting from a user, as taught by Braun, because it would enable the user to customize the effect of the force feedback to his/her preference.

Response to Arguments

Applicant's arguments with respect to claims 1-2, 8-9, 17-22 have been considered but are moot in view of the new ground(s) of rejection.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to ROBERT J. UTAMA whose telephone number is (571)272-1676. The examiner can normally be reached on M-F 9:00-5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Xuan Thai can be reached on (571)272-7147. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/R. J. U./

Examiner, Art Unit 3715

/XUAN M. THAI/

Supervisory Patent Examiner, Art Unit 3715